IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2007

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THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.NO.23243 OF 2006
AND
M.P.NOS.2 OF 2006 AND 1 OF 2007

C.Gopalakrishnan .. Petitioner

Vs.

The General Manager (Administration)
Tamil Nadu State Transport
Corporation (Villupuram)
Limited,
Kancheepuram Zone I
Kancheepuram. .. Respondent

This writ petition has been preferred under Article 226 of the Constitution of India praying for the issue of a writ of certiorari to call for the records relating to the impugned order passed by the respondent in his proceedings No.3312/Pa.1/TNSTC-(V)/Kanchi/2005-13, dated 10.7.2006 and to quash the same.

For Petitioner : Mr.M.Suresh Viswanathan
For Respondent : Mr.V.R.Kamalanathan

ORDER

This writ petition has been filed seeking writ of certiorari to quash the order of transfer of the petitioner by the respondent Transport Corporation, dated 10.7.2006.

2.The court heard the learned counsel on either side. The affidavit filed in support of the petition is perused. The petitioner was originally appointed as Junior Assistant and later on promoted as Assistant in the year 1996 and thereafter, he was promoted as Senior Assistant in the year 2005 and now, he is working in the Administration Division of the respondent Corporation at Thiruvallur. While the matter stood thus, he has been served with the impugned order, transferring him from Thiruvallur to Kancheepuram.

3.The only ground urged by the petitioner to challenge the impugned order is that it has been done due to political vendetta; that he is the member of a particular political party and the opposite party involved in certain activities and objections were raised then and there by the Union, which in the opinion of the Management was against them and under these circumstances, the impugned order has been passed and it is due to malice and the same has got to be set aside.

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4.The court heard the learned counsel for the respondent. According to the learned counsel, from the time of the appointment till the time of transfer, namely nearly more than a decade, he has been working in the same place. Both the places, where he has been working and the place where he has been transferred under the impugned order, are coming under the same division and it is also a transferable post. Now, coming with the reasons that he belongs to a particular political party and due to political vendetta, he has been transferred, are nothing but a story invented for the purpose of getting cancellation of the order and under these circumstance, the petition has got to be dismissed.

5.After careful consideration of the submissions made, the court is of the considered opinion that the writ petition does not carry any merit whatsoever and it requires an order of dismissal for more grounds than one. It is not in controversy that the petitioner was originally promoted as Assistant in the year 1996 and subsequently, he was promoted as Senior Assistant in the Administrative Division of the respondent Corporation. Now, transfer order was given only after a period of 10 years. Thus, it would be quite clear that he has been working in a particular place. It is also not in controversy that it is a transferable post. From the averments made, this court is unable to notice anything that he is the functionary of the union and under these circumstances, attributing that he has been transferred due to political pressure or vendetta cannot be accepted. Apart from that, the place where he has been working, namely Thiruvallur and the place where he has been now transferred, namely Kancheepuram are situated in a short distance and both are coming under the same division. Under these circumstances, this court is unable to notice any reason to quash the order under challenge. Hence, this petition deserves an order of dismissal. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected MPs are also dismissed.

vvk

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The General Manager (Administration)
Tamil Nadu State Transport
Corporation (Villupuram)
Limited,
Kancheepuram Zone I
Kancheepuram.

+1 cc to Mr.V.R.Kamalanathan, Advocate Sr.No.58509.

PV(CO)
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